

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:22CV827
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) BRIAN MICHAEL BRACY (b) 10130820
(Name) (Inmate number)
- (c) RAPPAHANNOCK Regional Jail
(Address)
PO BOX 3300
STAFFORD, Virginia 22555-3300

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) J.V. Tully (b) SUPER INTENDANT
(Name) (Title/Job Description)
- (c) 1745 RAPPAHANNOCK Regional Jail
(Address)
STAFFORD, Virginia 22555-3300

2. (a) Gregory McRAE (Name) (b) Operations Asst. (Title/Job Description)
 (c) 1745 RAPPAHANNOCK Regional Jail (Address) Stafford, Virginia 22555 SUPER Intendant
3. (a) SSGT DALLACI (Name) (b) SSGT (Title/Job Description)
 (c) 1745 RAPPAHANNOCK Regional Jail (Address) Stafford, Virginia 22555

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes ☒ No ☐
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

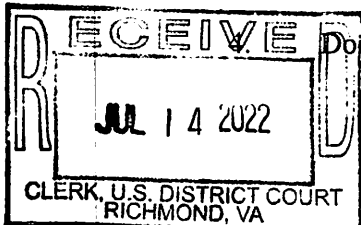
Plaintiff(s) BRIAN MICHAEL BRACY
 Defendant(s) JV Tully et al

2. Court (if federal court, name the district; if state court, name the county):

United States District Court, Eastern District of Virginia

3. Date lawsuit filed: 7/01/22

Docket number: 1:22-cv-00738-RDA WEF



5. Name of Judge to whom case was assigned: _____

MARK S. DAVIS

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

STILL PENDING

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

RAPPAHANNOCK Regional Jail

B. Does the institution listed in "A" have a grievance procedure? Yes ☒ No ☐

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes ☐ No ☒

2. If so, where and when: _____

3. What was the result? PREA INCIDENT

4. Did you appeal? Yes ☐ No ☒

5. Result of appeal: _____

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes ☒ No ☐

If your answer is Yes, what steps did you take? SPOKE TO POD OFFICER,
GOLD BRIDGE AND REQUESTED TO FILE A CRIMINAL
Complaint

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

THEY SAID IT WAS SATURDAY

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Inmate JAGUAN FRAZION Sexually AssAulted me in my sleep. I ASKED THE Emergency Butan and ASKED CORRECTIONAL STAFF to FILE A PREA Report immediately. TWO HOURS later, after inspection I was able to leave from around the CRIMINAL to safety. I ASKED to FILE A CRIMINAL Complaint AND seek medical attention and WAS told its SATURDAY and nobody is down there. I Refused to leave until my Request to Have Him Removed was Honored. I ASKED two officers prior for Help and nobody Responded.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. BMB (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 700,000 United STATES Corona

☐ Grant injunctive relief by _____

☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☐] No [☐]. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 9 day of July, 20 22.

Plaintiff Michael